



Attorney's Pocket No. 573-142CT2

PATENT

16218

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Stowell et. al.
Serial No. 10/136,582
Filed: May 1, 2002
For:

Examiner: Barts, Samuel A.
Art Unit: 1621
Confirmation No. 8293

FORM A OF FLUOXETINE HYDROCHLORIDE

Date: November 19, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

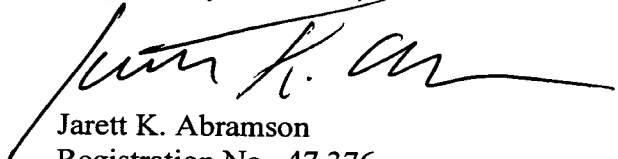
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**SUBMISSION OF TERMINAL DISCLAIMER
UNDER 37 C.F.R. § 1.321(b)**

Sir:

Applicant hereby submits the enclosed Terminal Disclaimer Under 37 C.F.R. § 1.321 for the above referenced application. Also enclosed is a check in the amount of \$110.00 [37 C.F.R. § 1.20(d)] to cover the fee for filing a Terminal Disclaimer. The Examiner is authorized to charge Deposit Account No. 50-0220 for any additional fee which may be required or credit any overpayment.

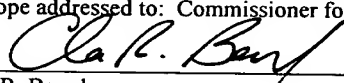
Respectfully submitted,


Jarett K. Abramson
Registration No. 47,376

USPTO Customer No. 20792
MYERS BIGEL SIBLEY & SAJOVEC
Post Office Box 37428
Raleigh, North Carolina 27628
Telephone: 919/854-1400
Facsimile: 919/854-1401

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 19, 2003.


Clara R. Beard

Attorney's Docket No. 557,142CT2

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TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321

Sir:

I, Jarett K. Abramson, am an attorney of record of the disclaimant, aaiPharma, Inc., and am authorized to execute this disclaimer on behalf of aaiPharma, Inc. The disclaimant, aaiPharma, Inc, having a principal place of business at 2320 Scientific Park Drive, Wilmington, NC 28405, is the owner of all right, title, and interest in the above-identified application by Assignment recorded on January 24, 2002 and recorded at Reel 12565, Frame 0897.

The disclaimant hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application corresponding to Claim 19 that would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. §§154 - 156, §173, and any other relevant statutory provision of prior U.S. Patent No. 6,316,672 for Claims 1-17 and U.S. Patent 6,492,556 for Claim 1, as presently shortened by any terminal disclaimer, which patents were assigned to the above-identified disclaimant by Assignment recorded on January 24, 2002 and recorded at Reel 12565, Frame 0897. Disclaimant further agrees that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to US Patent Nos. 6,316,672 and 6,492,556. This agreement runs with any patent

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granted on the above-identified application, and is binding upon the grantee, its successors, or assigns.

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application that is prior to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 - 156 and §173 of U.S. Patent Application Serial Nos. 6,316,672 and 6,492,556, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer.

Respectfully submitted,




Jarett K. Abramson
Registration No. 47,376

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Raleigh, North Carolina 27628
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Clara R. Beard